

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Gates, 16-cv-0400-JNE-DTS
Dinkins, 16-cv-1778-JNE-DTS
Tate, 16-cv-1846-JNE-DTS
Lowe, 16-cv-2304-JNE-DTS
Strickland, 16-cv-4355-JNE-DTS
Beamon, 17-cv-0141-JNE-DTS
Gochanour, 17-cv-2168-JNE-DTS
McConnell, 17-cv-3222-JNE-DTS
Weeks, 17-cv-4527-JNE-DTS
Kazogles, 19-cv-0017-JNE-DTS

**MEET AND CONFER STATEMENT
REGARDING DEFENDANTS'
SEVENTH MOTION TO DISMISS
FOR FAILURE TO COMPLY WITH
PRETRIAL ORDER NO. 23 AND
FED. R. CIV. P. 41(B) OR FOR
LACK OF STANDING**

The undersigned counsel for Defendants 3M Company and Arizant Healthcare Inc. (collectively “Defendants”) certifies that counsel for Defendants met and conferred with counsel for Plaintiffs in the above-referenced matters as follows:

1. On March 4, 2019, Defendants’ counsel sent emails to counsel at each of the firms representing the above plaintiffs, requesting that they stipulate to a dismissal with prejudice of plaintiffs’ actions by 5:00 p.m. on March 6, 2019. Defendants’ counsel indicated that if an agreement was not reached, Defendants would file a motion to dismiss the cases (without prejudice for Mr. Kazogles of *Kazogles et al.* and with prejudice for the remaining cases).

2. On March 6, 2019, Defendants' counsel received a response from counsel for *Gates*, 16-cv-0400, *Beamon*, 17-cv-0141, and *Kazogles et al.*, 19-cv-00017 requesting more time to respond to the meet and confer. Defendants responded that they would file the motion in order to reserve a hearing at the next status conference, but would withdraw the motion as to these plaintiffs if a stipulation for dismissal with prejudice is reached in the future.

3. Also on March 6, 2019, Defendants' counsel received a response from counsel for *Weeks*, 17-cv-4527 indicating that they would not stipulate to a dismissal.

4. The remaining plaintiffs have not responded to Defendants' meet and confer correspondence.

Hence, counsel for Plaintiffs and Defendants were unable to reach an agreement to stipulate to dismiss with prejudice any of the above cases, or without prejudice for *Kazogles et al.*

Dated: March 7, 2019

Respectfully submitted,

s/Benjamin W. Hulse

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